

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dan Vivarelli on October 21, 2008.

The application has been amended as follow:

Claim 28 has been replaced by:

-- Claim 28                      A system comprising:

a merchant transceiver, comprised of a transceiver antenna, that (a) sends a first radio frequency communication to a customer transceiver and (b) receives a second radio frequency communication conveying a customer/transmitter identifier from said customer transceiver;

a point-of-sale device processor, in communication with said merchant transceiver, that (a) captures transaction data and (b) transmits an authorization request to a transaction processing system; and

a transaction processing system comprising a memory having program instructions, and a processor configured to use said program instructions to (a) receive said authorization request, (b) determine, from said customer/transmitter identifier and a merchant identifier, a payment method corresponding to a payment processor, (c) transmit an authorization request to said payment processor for authorization and (d) transmit to said point-of-sale device said payment processor's response to said authorization request,

wherein a merchant is associated with a given brand,

wherein the merchant identifier is the same for all stores associated with the given brand,

wherein each customer/transmitter identifier is associated with a customer account

Art Unit: 3696

and wherein each customer account identifies a pre-assigned payment method for each merchant identified in the customer account and, in multiple customer accounts, the pre-assigned payment methods vary for transactions with merchants associated with different brands. - -

Claim 31 has been replaced by:

-- Claim 31                    The system of claim 28, further comprising:  
a customer transceiver comprising memory and a processor coupled to said memory,  
wherein said customer transceiver receives the first radio frequency communication and  
subsequently transmits the second radio frequency communication that conveys the  
customer/transmitter identifier, and  
wherein said processor is adapted to read data from, and write data to, said memory. - -

Claim 38 has been replaced by:

-- Claim 38                    The system of claim 28, further comprising:  
a customer transceiver comprising memory, a processor coupled to the memory, and a  
keyboard coupled to the processor,  
wherein said customer transceiver receives the first radio frequency communication and  
subsequently transmits the second radio frequency communication that conveys the  
customer/transmitter identifier, and  
wherein said processor is operable to transmit information stored in said memory, or  
manually entered via said keyboard. - -

Claim 39 has been replaced by:

-- Claim 39                    The system of claim 28, further comprising:  
a customer transceiver embedded inside an article of clothing, wherein the customer transceiver  
receives the first radio frequency communication and subsequently transmits the second radio  
frequency communication that conveys the customer/transmitter identifier. - -

Claim 40 has been replaced by:

-- Claim 40                    The system of claim 28, further comprising:

Art Unit: 3696

a customer transceiver embedded inside an item of jewelry, wherein the customer transceiver receives the first radio frequency communication and subsequently transmits the second radio frequency communication that conveys the customer/transmitter identifier. - -

Claim 41 has been replaced by:

-- Claim 41                      The system of claim 28, further comprising:  
a customer transceiver embedded inside an electronic device, wherein the customer transceiver receives the first radio frequency communication and subsequently transmits the second radio frequency communication that conveys the customer/transmitter identifier. - -

Claim 51 has been replaced by:

-- Claim 51                      A computer-implemented method comprising:  
transmitting a first radio frequency communication to a customer transceiver;  
receiving a second radio frequency communication including customer identification data at a receiver;  
creating an authorization request based in part upon the receipt of the customer identification data, the authorization request comprising transaction data and the received customer identification data;  
communicating the authorization request to a transaction processor;  
selecting a payment method corresponding to a payment processor, at the transaction processor, based at least in part upon information associated with the customer identification data and a merchant identifier stored in a database accessible by the transaction processor; and  
communicating with the selected payment processor for approval and payment, wherein a merchant is associated with a given brand,  
wherein the merchant identifier is the same for all stores associated with the given brand, wherein the customer identification data is associated with a customer account, and  
wherein each customer account identifies a preassigned payment method for each merchant identified in the customer account and, in multiple customer accounts, the preassigned payment methods vary for transactions with merchants associated with different brands. - -

Art Unit: 3696

Claim 91 has been replaced by:

-- Claim 91                    The system of claim 28, further comprising:

a customer transceiver comprising memory, wherein said customer transceiver generates operating power after receiving the first radio frequency communication and subsequently transmits the second radio frequency communication that conveys the customer/transmitter identifier.    - -

Claim 93 has been replaced by:

-- Claim 93                    The method of claim 51, further comprising:

upon receiving the first radio frequency communication, subsequently transmitting, from the customer transceiver, the second radio frequency communication that conveys the customer identification data.    - -

Claim 94 has been replaced by:

-- Claim 94                    The method of claim 93, wherein the customer transceiver generates operating power after receiving the first radio communication.    - -

Claim 99 has been replaced by:

-- Claim 99                    A method for processing transactions comprising the steps of:  
receiving a communication at a point-of-sale device, said communication comprising customer identification data;

transmitting an authorization request from said point-of-sale device to a transaction processing system, said authorization request comprising a merchant identifier, transaction data, and said customer identification data; and

receiving a response to said authorization request from said transaction processing system,

wherein a merchant is associated with a given brand,

wherein the merchant identifier is the same for all stores associated with the given brand,

wherein the customer identification data is associated with a customer account, and

Art Unit: 3696

wherein each customer account identifies a pre-assigned payment method for each merchant identified in the customer account and, in multiple customer accounts, the preassigned payment methods vary for transactions with merchants associated with different brands. - -

Claim 101 has been replaced by:

-- Claim 101                    A method for collecting consumer purchasing trend information in a transaction processing system, said method comprising the computer-implemented steps of: receiving a communication at one of a plurality of point-of-sale devices, said communication comprising customer identification data; transmitting an authorization request from one of said plurality of point-of-sale devices to said transaction processing system, said authorization request comprising a merchant identifier, transaction data, and said customer identification data; and updating a database with said transaction data and said customer identification data, wherein a merchant is associated with a given brand, wherein the merchant identifier is the same for all stores associated with the given brand, wherein the customer identification data is associated with a customer account, and wherein each customer account identifies a pre-assigned payment method for each merchant identified in the customer account and, in multiple customer accounts, the pre-assigned payment methods vary for transactions with merchants associated with different brands. - -

Claim 103 has been replaced by:

-- Claim 103                    A method of monitoring customer progress in a merchant award program, comprising the steps of: receiving a communication at one of a plurality of point-of-sale devices, said communication comprising customer identification data; transmitting an authorization request from one of said plurality of point-of-sale devices to a transaction processing system, said authorization request comprising a merchant identifier, said transaction data, and said customer identification data; and

Art Unit: 3696

crediting a customer account in a database with loyalty points indicative of said transaction data,

wherein a merchant is associated with a given brand,

wherein the merchant identifier is the same for all stores associated with the given brand,

wherein the customer identification data is associated with a customer account, and

wherein each customer account identifies a pre-assigned payment method for each merchant identified in the customer account and, in multiple customer accounts, the pre-assigned payment methods vary for transactions with merchants associated with different brands. - -

### **Allowable Subject Matter**

2. Claims 28, 31-47, 51-58, 63-65, 83-84, 91-99, 101, 103, 105-106, are allowable over the prior art of record and as argued by Applicant's representative in their response dated 7/28/2008.

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement Graham whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3696

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/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

CG

Nov 20, 2008